THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.6904 of 2005

–

Dated: February 7, 2006

Between:

T. Govind Reddy, S/o. Ram Reddy,

Ex. Contract Labour, Resident of Chinna

Kodapgal Village, Pitlam Mandal,

Nizamabad District.

… Petitioner.

And

The Chief General Manager, (H.R.D.)

Northern Power Distribution Company

of A.P. Ltd., Warangal, and three others.

… Respondents.

Order:

Heard both sides and at their request, the writ petition itself is being disposed of at the stage of admission.

2. The petitioner, who worked as a Contract Labour in the Northern Power Distribution Company of A.P. Ltd., Warangal, has filed this Writ Petition questioning the order dated 21-11-2004, by which his claim for appointment as a Lower Division Clerk in regular vacancy was rejected on three grounds, which are extracted as follows. –

> " a) Agmt. No. 56/95-96 was commenced on 6-11-1995.
>
> b. Agmt. No. 45/96-97 was commenced on 24-01-1997.
>
> c. On verification of certificates it is found that the typing qualification certificate submitted by the petitioner was not genuine."

3. The respondent-Company has issued Proceedings in B.P.Ms.No.36 and 37 dated 18-05-1997 to consider the claims of contract labour/causal labour etc., in regular vacancies for the purpose of absorption. When his claim was considered and no further steps were taken, earlier petitioner approached this Court in W.P.No.6541 of 2004 and pursuant to the directions of this Court; the case of the petitioner was considered and rejected.

4. As per the terms of B.P.Ms.No.36, one to be eligible for appointment, he was to be on rolls as casual labour on 18-05-1997 and should fulfill the requisite qualifications. In this case, the claim of the petitioner is for appointment to the post of L.D.C., for which one of the requisite qualifications is 'Typewriting qualification'. For the purpose of claim, the petitioner produced copy of the certificate to show that he has passed the Typewriting Examination.

5. In the counter affidavit filed on behalf of the respondents, it is stated that the certificate produced by the petitioner is not genuine one; as such he is not eligible for appointment.

6. I have perused the record produced by the learned Standing Counsel for the respondents, which discloses that the genuineness of the certificate produced by the petitioner was enquired into. Further, the Maharashtra State Council of

Examinations, Pune, appeared to have certified that the certificate produced by the petitioner is not genuine. As much as the passing of Typewriting examination is a requisite qualification for appointment to the post of L.D.C., as the petitioner is not having the requisite qualification, and the certificate produced by the petitioner is found to be false, in that view of the matter, he is not eligible to seek appointment as L.D.C. Further, from the works, which were entrusted by the contractor, vide Agmt.No.56/95-96 and Agmt.No.45/96-97; it is also not clear that the petitioner was on rolls on the notified date, i.e. 18-05-1997.

7. For the foregoing reasons, the petitioner cannot claim as a right for appointment to the post of L.D.C., and the proceedings in Lr.No.CGM (HRD)/ GM (S)/AS-II/PO.IV/473/04 dated 21-11-2004 cannot be said to be illegal.

8. The writ petition is devoid of merits and is accordingly dismissed.

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JUSTICE R. SUBHASH REDDY.

February 7, 2006

MRR